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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/875,477

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Kenneth P. Hinckley

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7953

7590

08/27/2004

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EXAMINER

AWAD, AMR A

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/875,477

Applicant(s)

HINCKLEY ET AL.

Examiner

Amr Awad

Art Unit

2675

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 5,9,10,12,14 and 31-33.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: See Continuation Sheet



Continuation of 5. does NOT place the application in condition for allowance because: Applicant's remarks do not overcome the final rejection. With respect to the rejection under 112 second paragraph. Examiner still believes that the limitation is indefinite. The explanation provided by the applicant does not reflect the limitation as claimed. For example, there is no language in the claim to specify that a different tilt context value follows the tilt context value maintained for longer than a set period of time. It is not clear to the examiner how the different tilt can be detected and be different from simply returning the device to the flat context value. In other words, the different tilt context could be simply the tilt created from returning the device to flat position since there is no minimum time for maintaining it. With respect to the argument presented by the Applicant related to claim 5, the examiner believes that because claim 5 is indefinite and can be broadly interpreted, the cited combination fairly reads on the invention as claimed. For example, examiner believes that the zero tilt disclosed by Thomas is equivalent to the flat context value of the claimed limitation. With respect to claim 9, Examiner disagrees with the applicant that Lands does not discuss changing the orientation of an image based on the orientation of the device. In fact, since the tilting of the display device affects the image by changing the paging, brightness and zoom modes; then the tilting of modes is changing the orientation of the image. Similar responses can be applied to the remarks related to claims 10, 12, 14 and 31-33.

Continuation of 10. Other: The amendment will be entered because it is directed to claim 11 without any amendment to the other pending claims..